REMARKS

The foregoing amendment amends Claim 1. Now in the application are Claims 1-8 of which Claim 1 is independent. No new matter has been added and no new issues are raised. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above in condition for allowance.

Claim Amendments

Applicant respectfully disagrees with the Examiner's assertion that the feature of "data link messages being formatted digital data sequences transmitted between units, including a message type field and at least one message content field whose meaning is determined by the message type" previously recited in the preamble of Claim 1 merely states an intended use. Applicant asserts that the recited feature adds structure to the subject matter of Claim 1. Nevertheless, to not unduly prolong prosecution, Applicant elects to amend Claim1 to move a portion of the preamble into the body of Claim 1. The amendment to Claim 1 is not meant to address any art rejection.

Description and Advantages of the claimed invention:

Military equipment, such as ships, aircraft, and vehicles periodically transmit data indicative of their location, speed, armament, status, and the like. The data is sent via a wireless transmission and is referred to as a tactical data link (TDL) message. The received data is used by the appropriate field commanders to command, control, and coordinate military personnel and equipment in battle situations. Although the TDL message types and formats are defined by a standard, there often exist interpretation differences amongst the various member nations of the North Atlantic Treaty Organization (NATO). Consequently, a conflict often arises when TDL messages are exchanged between military units of the member nations. An example of one possible conflict is the expectation of receiving data representing the speed of an aircraft, but instead receiving latitude data from the aircraft.

Given that each transmitting piece of military equipment transmits about 10 MB of data per hour during a military operation that can last one or more days, the volume of data an operator must sort through to identify and resolve data conflicts requires the use of databases to analyze the data. However, the conversion of the data into a form readable by the database, along with the generation of queries and analysis of the query results to detect data conflicts often takes several days to complete.

The claimed invention addresses the need of providing data analysis of received TDL messages in a timelier manner. Specifically, the present invention is able to assign a TDL message to a specific message group that contains TDL messages of a specific message type. Within each message group, the claimed invention tabulates the messages so as to align corresponding data fields and displays the data in tabulated form. In this manner, unusual or spurious data entries are detected in a more timely manner that allow analysis results to be presented as part of a post operation debrief.

Advantageously, the claimed invention may be implemented using commercially available software, such as Microsoft® Excel® or another suitable spreadsheet application. Further, a list of field contents for each data field can be displayed and the list can be filtered to remove repeat instances of the same content. As such, the claimed invention advantageously allows an operator to detect a conflict by reviewing the content of a selected data field and determining if the list contains the proper data content for the respective data field.

The Claims Distinguish from the Applied Art.

The claimed subject matter differs from and is patentably distinct from the applied art. The Examiner rejects Claims 1-7 as being unpatentable over U.S. Patent No. 6,453,327 of Nielson, (hereinafter "Nielson"). The Examiner further rejects Claim 8 as being unpatentable over of Nielson in view of U.S. Patent No. 5,971,580 of Hall et al. (hereinafter "Hall").

Applicant respectfully submits that claims 1-8 are not obviated by the art of record for the reasons set forth below.

The Nielson patent discloses a method and apparatus for identifying and discarding junk (e.g. spam) electronic mail (email). The Nielson patent fails to teach or suggest a method of analysing data link messages that includes a step of receiving a plurality of data link messages, each of the data link messages being formatted digital data sequences transmitted between units, and include a message type field and at least one message content field whose meaning is determined by the message type, as recited in amended Claim 1. The Nielson reference also fails to teach or suggest assigning each data link message to one of a plurality of message groups according to the message type field so that each group contains data link messages of a specific message type, as recited in amended Claim 1.

The Nielson reference describes an anti-spam technique that allows a subset of the members of a trusted group of recipients to determine which e-mail messages should be

considered to be junk e-mail for the rest of the members of the trusted group. Nielson describes the display of an e-mail message to some number of trusted recipients and if a sufficient number of those recipients classify that message as a junk e-mail, other trusted recipients who have not yet viewed the offending e-mail are saved the annoyance of viewing the message because it is automatically removed from their mail system. The Nielson reference attempts to address a significant issue common to the simplified format of e-mail. That is, e-mail does not include a *message type field.* As such, an e-mail recipient cannot simply parse a received e-mail to determine an e-mail type and dispose of the e-mail if an attribute in the message type field indicates junk e-mail.

In contrast, the data link messages recited in amended Claim 1 are formatted digital data sequences that are typically transmitted between units, such as military units. Each data link message analyzed by the method recited in amended Claim 1 includes *a message type field* and at least one *message content field* whose meaning is determined by the message type. That is, different message types have completely different formats and contain different information. For example, a track type message contains content fields that relate to position (latitude and longitude), velocity, and vehicle type that is reporting the information. *See, page 6 lines 18-24 and page 7 lines 6-7 of the specification.* In this manner, it is known for each *message type* a *data content type* for each content field, for example, numeric data, textual data, or a combination of both.

It is well known that an e-mail message does not include a *message type field.* Hence, to help reduce the amount of spam or junk email the Nielson patent teaches an elaborate methodology to examine the characteristics of received e-mail to determine if the received e-mail is junk e-mail. Because of the simplified format of email, it is unfortunate that e-mail does not include a message type field for if it did, a flag or an "unsolicited" parameter could be set to aid in the removal of junk e-mail. Thus, the Nielson patent fails to teach or suggest a method for analysing data link messages as recited in amended Claim 1.

Claims 2-7 depend from amended Claim 1 and hence incorporate the patentable features of amended Claim 1. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 1-7 under 35 U.S.C. §103.

Rejection of Claim 8 under 35 U.S.C. §103

Claim 8 stands rejected as unpatentable over Nielson in view of Hall. Applicant contends that Claim 8 is patentable over Nielson in view of Hall for at least the same reasons set forth above regarding amended Claim 1, from which it depends.

Hall is directed to a tactical awareness monitoring and direct response system for evaluating, monitoring, and controlling, in real-time, an outside environment having entities and occurrences with characteristics.

The Examiner cites Hall for teaching or suggesting that the messages are tactical data link messages originating from a plurality of military platforms. Nevertheless, Hall fails to cure the factual deficiencies of Nielson. That is, Hall fails to teach or suggest, *inter alia,* that the tactical data link messages are formatted digital data sequences transmitted between units that include a message type field and at least one message content field whose meaning is determined by the message type.

Moreover, Applicant submits that the Examiner's recitation and application of the Nielson and Hall references is inappropriate. Applicant asserts that it is impermissible for the Examiner to use the claimed invention as a *"template"* to piece together the disparate teachings of the cited references to build an argument for obviousness of the claimed subject matter. In re Gorman. 933 F.2d 982, 987 (Fed Cir. 1991). Indeed, it is well settled that to combine references to establish obviousness, one must show some objective teaching in the art of record that would motivate one of ordinary skill to combine the references, or a knowledge available to one of the ordinary skill that suggests combining the references. In re Fritch, 23 USPQ 2d. 1780, 1783 (Fed Cir. 1992). The cited art fails to meet these tests; it lacks facts that suggest combining the references to render obvious Applicant's claimed invention, and the Examiner asserts no such teaching.

Furthermore, to establish *a prima facie* case of obviousness an Examiner is to **present evidence** from the prior art that would lead one of ordinary skill in the art to combine the prior art teachings in the proposed manner to obtain the claimed invention. *Exparte Levengood,* 28 U.S.P.Q. 2d 1300, 1301 (BOPAI 1993). It is not proper to combine prior art teachings, where the only incentive to do so is derived from an Applicants' disclosure. *Id.* Indeed, the BOPAI has commented:

> an examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would **impel** one skilled in t he art to do what the patent applicant has done. [Emphasis added] *Exparte Levengood,* 28 U.S.P.Q. 2d at 1302.

The Examiner provides no evidence, and fails to identify prior art teachings that would motivate one of ordinary skill to combine the references in the manner proposed by the Examiner. Rather, the Examiner simply submits as evidence of motivation the unsupported statements, located on page 7 of the Action, that one of ordinary skill would be compelled to

combine the references *"to obtain a plurality of military platforms for analyzing data link messages"* to correct the drawbacks of the Nielsen system, namely, e-mail does not include *a message type field.* Applicant respectfully notes that the Examiner fails to identify teachings within the cited references that would lead to the proposed combination.

Thus the combination of Nielson in view of Hall, fails to establish *a prima facie* case of obviousness with which to reject Claim 8. Accordingly, the Applicant requests reconsideration and withdrawal of the rejection of Claim 8 under 35 U.S.C. §103.

CONCLUSION

Applicant contends that the claims patentably distinguish over the cited art. The art is devoid of facts that render the claimed invention obvious to one of ordinary skill in the art when considering the U.S. Patent of Nielson and the U.S. Patent of Hall, et al. Accordingly, reconsideration, and allowance of Claims 1-8 is in order and requested. If there are any remaining issues an opportunity for an interview is requested prior to issuance of another Office Action.

Respectfully submitted,

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